



GAIL FARBER, Director

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

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ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

IN REPLY PLEASE

REFER TO FILE:

SMP-2

October 13, 2009

25

October 13, 2009

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Sachi A. Hamai
SACHI A. HAMAI
EXECUTIVE OFFICER

Dear Supervisors:

**ORDINANCE AMENDING TITLE 2 - ADMINISTRATION OF THE COUNTY CODE
TO INCREASE THE MONETARY LIMIT OF THE DELEGATED AUTHORITY
OF THE CHIEF EXECUTIVE OFFICER AND THE DIRECTOR OF PUBLIC WORKS
TO PURCHASE REAL PROPERTY;
RESOLUTION OF THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT
TO INCREASE THE MONETARY LIMIT
OF THE DELEGATED AUTHORITY OF THE CHIEF ENGINEER
TO PURCHASE REAL PROPERTY
(ALL SUPERVISORIAL DISTRICTS)
(3 VOTES)**

SUBJECT

This action is to approve the ordinance amending Sections 2.08.160 and 2.18.025 of the Los Angeles County Code to increase the monetary amount of the delegated authority of the Chief Executive Officer and the Director of Public Works, respectively, to purchase real property interests on behalf of the County of Los Angeles from \$25,000 to \$75,000.

This action is also to adopt a resolution, on behalf of the Los Angeles County Flood Control District, increasing the monetary amount of the delegated authority of the Director of Public Works, acting as the Chief Engineer of the Los Angeles County Flood Control District, to purchase real property interests on behalf of the Los Angeles County Flood Control District from \$25,000 to \$75,000.

JOINT RECOMMENDATION WITH THE CHIEF EXECUTIVE OFFICER THAT YOUR BOARD:

Approve the ordinance amending Sections 2.08.160 and 2.18.025 of the Los Angeles County Code to increase the monetary amount of the delegated authority of the Chief Executive Officer and the Director of Public Works, respectively, to purchase real property interests on behalf of the County of Los Angeles from \$25,000 to \$75,000.

IT IS ALSO RECOMMENDED THAT YOUR BOARD ACTING AS THE GOVERNING BODY OF THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT:

Adopt a resolution delegating authority to the Director of Public Works, acting as the Chief Engineer of the Los Angeles County Flood Control District, to purchase real property interests on behalf of the Los Angeles County Flood Control District for an amount not to exceed \$75,000.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The purpose of this recommended action is to increase the monetary limit of the delegated authority of the Chief Executive Officer (CEO) to purchase real property interests on behalf of the County of Los Angeles (County), and the Director of Public Works (Director) to purchase real property interests on behalf of the County and the Los Angeles County Flood Control District (LACFCD), from \$25,000 to \$75,000.

Implementation of Strategic Plan Goals

The Countywide Strategic Plan Goal directs the provision of Operational Effectiveness (Goal 1). This action will enable the County and LACFCD to improve its effectiveness and enhance customer service by expediting the acquisition of right of way and processing payments. This action will reduce the number of instances your Board will have to act regarding minor transactions involving the acquisition of right of way or other real property for County projects or purposes that are valued at \$75,000 or less.

FISCAL IMPACT/FINANCING

There will be no impact to the County General Fund.

There will be some administrative cost savings attributable to the streamlined approval process.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

In 1985, your Board adopted ordinance 85-0108, which delegated authority to the Director to purchase real property for an amount not to exceed \$25,000, which was the statutory limit in effect at that time, pursuant to Government Code Section 25350.60. In 2003, Government Code Section 25350.60 was amended to remove the \$25,000 statutory limit and to authorize counties to set their own monetary threshold by ordinance.

Additionally, the Los Angeles County Flood Control Act (Act), Sections 3 and 16, authorizes the Board to adopt reasonable rules and regulations to facilitate the exercise of its powers and duties under the Act and to provide for the administration and government of the LACFCD.

The CEO and Public Works have an ongoing need to acquire right of way for Public Works projects and infill parcels for County projects or purposes. Some of these right-of-way purchases or property acquisitions exceed \$25,000, requiring Board approval. By increasing the CEO and Director's authority, acquisitions can be expedited more effectively at a reduced administrative processing cost.

The enclosed ordinance and resolution documents have been approved by County Counsel as to form.

ENVIRONMENTAL DOCUMENTATION

Adoption of the enclosed ordinance and resolution documents is not a project pursuant to the California Environmental Quality Act (CEQA) because it is an activity that is excluded from the definition of a project by Section 15378 (b) of the State CEQA Guidelines. This proposed action is an administrative activity of government, which will not result in direct or indirect physical changes to the environment.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

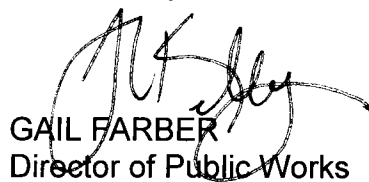
Minor property acquisitions valued at \$75,000 or less will be expedited, minimizing delays in associated construction projects and other County purchases.

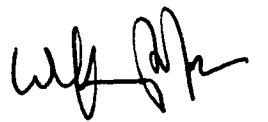
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CONCLUSION

Please return one adopted copy of this letter and the resolution document to the Department of Public Works, Survey/Mapping & Property Management Division, and to the CEO Real Estate Division at 222 South Hill Street, 3rd Floor, Los Angeles, CA 90012. Retain the duplicate for your files.

Respectfully submitted,


for GAIL FARBER
Director of Public Works


WILLIAM T FUJIOKA
Chief Executive Officer

GF:SGS:mr

Enclosure

c: Auditor-Controller (Accounting Division - Asset Management)
Chief Executive Office (Lari Sheehan)
County Counsel
Executive Office


ANALYSIS

This ordinance amends Sections 2.08.160 and 2.18.025 of Title 2 –

Administration of the Los Angeles County Code as follows:

- This ordinance increases the monetary limit of the delegated authority of the Chief Executive Officer and the Director of Public Works to purchase real property from \$25,000.00 to \$75,000.00.
- This ordinance establishes a termination date for the delegation of authority, as required by State law.

ROBERT E. KALUNIAN
Acting County Counsel

By 
MARK T. YANAI
Principal Deputy County Counsel
Property Division

MTY:vn

02/17/09 (Requested)

07/02/09 (Revised)

ORDINANCE NO. _____

An ordinance amending Title 2 – Administration of the Los Angeles County Code, to increase the dollar limit of the delegated authority of the Chief Executive Officer and the Director of Public Works to purchase real property and establish a termination date for that delegation.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Section 2.08.160 is hereby amended to read as follows:

2.08.160 Purchase of real property -- \$2575,000.00 or less.

Pursuant to the authority granted by California Government Code ~~§~~section 25350.60, the ~~“~~Chief administrative~~”~~Executive ~~“~~Officer~~”~~ is authorized to perform all acts necessary to approve and accept for the ~~“~~County~~”~~ the acquisition of any interest in real property where the purchase price for such interest does not exceed \$2575,000.00, in accordance with the following specified procedures:

A. Establishment of Purchase Price. The purchase price, if any, must be based on a summary of just compensation and may be adjusted only with the written concurrence of ~~“~~County~~”~~ ~~“~~Counsel~~”~~. The summary of just compensation shall be prepared in accordance with generally recognized real estate appraisal principles. The preparation of the summary of just compensation and the negotiations shall be performed in accordance with Government Code ~~§~~sections 7260 et seq.

. . .

C. Approval of Acquisition by Planning Agency. The ~~e~~Chief ~~administrative~~Executive ~~e~~Officer shall submit the proposed acquisition to the appropriate planning agency in accordance with Government Code ~~S~~section 65402, or any statute which may later become appropriate, prior to the acquisition of the property.

D. Assurance of Funding. Prior to committing the ~~e~~County to acquisition of the property, funding must be identified as assured by the appropriate authority. For acquisitions to be paid from gas tax funds, the ~~d~~Department of ~~p~~Public ~~w~~Works will be the appropriate authority. For acquisitions made from general fund sources, the ~~e~~Chief ~~administrative~~Executive ~~e~~Officer will be the appropriate authority. For all special district acquisitions, the district's financial officer will be the appropriate authority.

E. Form of Instrument. All instruments conveying ownership of a property interest must be in a form acceptable to ~~e~~County ~~e~~Counsel.

F. Condemnation. Notwithstanding any other provision of this chapter, the ~~e~~Chief ~~administrative~~Executive ~~e~~Officer's authority shall be exercised in conjunction with the ~~e~~County ~~e~~Counsel for any acquisition of an interest in real property where a resolution of condemnation has been previously adopted by the ~~b~~Board of ~~s~~Supervisors of the ~~e~~County of Los Angeles for the ~~e~~County of Los Angeles, or in its ex officio capacity for any other public entity.

G. Acceptance of Gifts. The ~~e~~Chief ~~administrative~~Executive ~~e~~Officer is authorized to accept gifts consisting solely of real property interests. All requirements for the compliance with the environmental statutes and regulations and planning agency review shall be completed prior to acceptance.

H. Expiration of authority. The authority granted to the Chief Executive Officer pursuant to this Section shall be effective through and including July 31, 2014, after which time it shall be deemed expired and of no further effect.

SECTION 2. Section 2.18.025 is hereby amended to read as follows:

2.18.025 Director -- Purchase of real property -- \$2575,000.00 or less.

Pursuant to the authority granted by California Government Code ~~S~~section 25350.60, the ~~d~~Director is hereby authorized to perform all acts necessary to approve and accept the acquisition of any interest in real property for use by the ~~e~~County of Los Angeles, ~~including the department of public works, or the Los Angeles County Flood Control District and other special districts under the authority of the~~ director where the purchase price for such interest does not exceed \$2575,000.00 in accordance with the following specified procedures:

A. Establishment of Purchase Price. The purchase price, if any, must be based on a summary of just compensation and may be adjusted only with the written concurrence of ~~e~~County ~~e~~Counsel. The summary of just compensation shall be prepared in accordance with generally recognized real estate appraisal principles. The preparation of the summary of just compensation and negotiations shall be performed in accordance with Government Code ~~S~~section 7260 et seq.

...

C. Approval of Acquisition by Planning Agency. The dDirector shall submit the proposed acquisition to the appropriate planning agency in accordance with Government Code Section 65402, or any statute which may later become appropriate, prior to the acquisition of the property.

D. Assurance of Funding. Prior to commitment to the acquisition of the property, funding must be identified as assured by the appropriate authority. For acquisitions to be paid from road funds or special district funds, the eChief financial eOfficer of the dDepartment of public works will be the appropriate authority. For acquisitions to be paid from general fund sources, the eChief administrative Executive eOffice will be the appropriate authority.

E. Form of Instrument. All instruments conveying ownership of property interests must be in a form acceptable to eCounty eCounsel.

F. Condemnation. Notwithstanding any other provision of this chapter, the dDirector's authority shall be exercised in conjunction with the eCounty eCounsel for any acquisition of an interest in real property where a resolution of condemnation has been previously adopted by the bBoard of supervisors of the eCounty of Los Angeles for the eCounty of Los Angeles or in its ex officio capacity for any other public entity.

G. Acceptance of Gifts. The dDirector is authorized to accept gifts consisting solely of real property interests and related improvements. All requirements for compliance with the environmental statutes and regulations and planning agency review shall be completed prior to acceptance.

H. Expiration of authority. The authority granted to the Director pursuant to this Section shall be effective through and including July 31, 2014, after which time it shall be deemed expired and of no further effect.

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